

**SUMTER COUNTY BOARD OF COMMISSIONERS  
EXECUTIVE SUMMARY**

**SUBJECT:** Consent to Assignment of Rights under Memorandum of Agreement for Joint Use Agreement between Board of Sumter County Commissioners and ACMS Inc.

**REQUESTED ACTION:** Staff recommends approval

☐ Work Session (Report Only)    **DATE OF MEETING:** 11/22/2011  
☒ Regular Meeting                      ☐ Special Meeting

**CONTRACT:** ☐ N/A                      Vendor/Entity: \_\_\_\_\_  
Effective Date: 11/22/2011                      Termination Date: \_\_\_\_\_  
Managing Division / Dept.: Public Works

**BUDGET IMPACT:** \_\_\_\_\_

☒ Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
☐ Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
☒ N/A

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**HISTORY/FACTS/ISSUES:**

The Board of Sumter County Commissioners (County) entered into a Memorandum of Agreement with ACMS Inc. for joint use of the Sumter County Solid Waste Facility to access Class I Solid Waste Landfill on September 28, 2010.

ACMS has negotiated a Solid Waste Agreement with Marion County which contains provisions for Marion County to have the pre-assignment of lease agreement between ACMS and County.

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**CONSENT TO ASSIGNMENT OF RIGHTS UNDER  
MEMORANDUM OF AGREEMENT A.C.M.S., INC.  
JOINT USE OF SUMTER COUNTY SOLID WASTE FACILITY TO ACCESS  
CLASS I SOLID WASTE LANDFILL**

This Consent to Assignment of Rights under Memorandum of Agreement between the parties dated September 28, 2010, (the "Agreement") is made and entered into this \_\_\_ day of \_\_\_\_\_, 2011, by and between the County of Sumter, State of Florida (the "County"), A.C.M.S., INC. ("ACMS"), and Marion County, Florida ("Assignee")..

**WITNESSETH:**

**WHEREAS**, County and ACMS entered into a Memorandum of Agreement ACMS Inc. Joint Use of Sumter County Solid Waste Facility to Access Class I Solid Waste Landfill on September 28, 2010, ("Agreement") which is recorded in OR Book 2320 Page 775 Public Records of Sumter County, Florida, and

**WHEREAS**, ACMS has negotiated a Solid Waste Agreement with Assignee which contains provisions for Assignee to have an easement over the landfill and operate the landfill in the event ACMS defaults under said Solid Waste Agreement, ("Solid Waste Agreement") and

**WHEREAS**, the Agreement requires the consent of County to any assignment of rights under the Agreement, and

**WHEREAS**, County has agreed to consent to the assignment of rights under the Agreement to Assignee so long as Assignee assumes all obligations of ACMS under the Agreement,

**NOW, THEREFORE**, in consideration of the foregoing, and with the intention that they will be legally bound, the parties agree as follows:

1. County hereby approves the assignment of rights by ACMS under the Agreement to Assignee. Any further assignment by Assignee shall require the consent of County.

2. Assignee hereby agrees to assume all obligations of ACMS under the Agreement in the event Assignee exercises its option to operate the Class I landfill pursuant to the Solid Waste Agreement with ACMS.

3. All other terms of the Agreement are hereby ratified and confirmed.  
SIGNATURES NEXT PAGE

IN WITNESS WHEREOF, the hands and seals of the parties on the date set forth above.

ATTEST: GLORIA HAYWARD  
CLERK OF COURT

BOARD OF COUNTY COMMISSIONERS  
SUMTER COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

Approved as to form and content by Sumter County Attorney

\_\_\_\_\_  
  
STATE OF FLORIDA  
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2011, by \_\_\_\_\_ as Chairman and \_\_\_\_\_ as Deputy Clerk of the Board of County  
Commissioners, Sumter County, Florida.

\_\_\_\_\_  
Notary Public, State of FL

Personally Known \_\_\_\_\_ or Produced Identification  
Type of Identification Produced \_\_\_\_\_

ACMS, Inc.

\_\_\_\_\_  
By: Charles S. Dean, Jr. President

STATE OF FLORIDA  
COUNTY OF SUMTER

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2011, by Charles S. Dean, Jr., as President of ACMS, Inc.

\_\_\_\_\_  
Notary Public, State of FL

Personally Known \_\_\_\_\_ or Produced Identification  
Type of Identification Produced \_\_\_\_\_

ATTEST: DAVID ELLSPERMANN  
CLERK OF COURT

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

Approved as to form and content by Marion County Attorney

\_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF MARION

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
2011, by \_\_\_\_\_ as Chairman and \_\_\_\_\_ as Deputy Clerk of the Board of County  
Commissioners, Marion County, Florida.

\_\_\_\_\_  
Notary Public, State of FL

Personally Known \_\_\_\_\_ or Produced Identification  
Type of Identification Produced \_\_\_\_\_